

AMENDED IN SENATE SEPTEMBER 10, 2009

AMENDED IN ASSEMBLY JUNE 28, 2009

CALIFORNIA LEGISLATURE—2009–10 THIRD EXTRAORDINARY SESSION

ASSEMBLY BILL

No. 37

Introduced by Assembly Member Evans

June 18, 2009

~~An act to amend Section 135 of the Code of Civil Procedure, to amend Sections 68085.1, 68086.1, 69926, 69927, 69957, 70602, and 70626 of, to add Sections 68511.9 and 77202.5 to, to add Chapter 2.1 (commencing with Section 68650) to Title 8 of, and to add and repeal Section 68106 of, the Government Code, to amend Section 11050.5 of, and to amend, repeal, and add Section 1465.8 of, the Penal Code, and to amend Sections 1955 and 1961 of the Welfare and Institutions Code, relating to courts. An act to amend Section 13311.1 of the Government Code, to amend Section 2103.1 of the Streets and Highways Code, to add Section 12104 to the Welfare and Institutions Code, and to amend Section 39 of Chapter 12 of the Third Extraordinary Session of the Statutes of 2009, relating to state finances.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 37, as amended, Evans. ~~Courts omnibus bill; public safety; Budget Act of 2009.~~

(1) Existing law authorizes the Director of Finance to defer payments of General Fund moneys in July through September of 2009, in an amount not to exceed \$750,000,000, appropriated to the University of California in the Budget Act of 2009, as specified. Existing law also authorizes the Director of Finance to defer payments of General Fund moneys in July 2009, in an amount not to exceed \$290,000,000,

appropriated to the California State University in the Budget Act of 2009, as specified. Existing law specifies the schedule of payments for these deferred amounts.

This bill would additionally authorize the Director of Finance to defer payments of General Fund moneys owed in February 2010, in an amount not to exceed \$250,000,000, appropriated to the University of California in the Budget Act of 2009. The bill also would authorize the Director of Finance to defer payments of General Fund moneys owed in February 2010 in an amount not to exceed \$250,000,000, and owed in March 2010 in an amount not to exceed \$150,000,000, appropriated to the California State University in the Budget Act of 2009, as specified. The bill would specify a schedule of payments for these deferred amounts.

(2) Existing law defers, until October 2009, the disbursal of payments of General Fund moneys for July 2009, in an amount not to exceed \$200,000,000, appropriated to the Board of Governors of the California Community Colleges for apportionments to community college districts.

This bill would additionally defer, until May 2010, the disbursal of payments of General Fund moneys for March 2010, in an amount not to exceed \$100,000,000, appropriated to the board for apportionments to community college districts.

(3) Existing law requires state excise fuel tax revenues to be deposited in various accounts and to be allocated, in part, for various purposes, including the cost of collection and authorized refunds. Existing law requires the balance of these funds remaining after authorized deductions to be transferred to, and deposited monthly in, the Highway Users Tax Account in the Transportation Tax Fund. Existing law provides for annual and monthly apportionment by the Controller of specified revenues in the Highway Users Tax Account to cities, counties, and cities and counties for the transportation purposes authorized by Article XIX of the California Constitution. Existing law, pursuant to Chapter 23 of the Fourth Extraordinary Session of the Statutes of 2009, requires transfers of those revenues from the Highway Users Tax Account to counties or cities that would otherwise be made during certain months of 2009 to instead be deferred and made after January 1, 2010.

This bill would instead provide for the apportionments for the months of July and August of 2009 to cities, counties, and cities and counties to be paid in September 2009, and apportionments for November and December of 2009 and January, February, and March of 2010 to be paid on or within 2 working days of April 28, 2010, with specified

exceptions. The bill would also authorize the affected local agencies to use specified transportation bond funds and other available funds to meet certain cash obligations.

(4) Existing law provides for the State Supplementary Program for the Aged, Blind and Disabled (SSP), which requires the State Department of Social Services to contract with the United States Secretary of Health and Human Services to, on behalf of the state, make combined state and federal payments to SSP recipients to supplement Supplemental Security Income (SSI) payments made available pursuant to the federal Social Security Act.

Existing law provides that the contract with the United States Secretary of Health and Human Services requires the state to pay the secretary an amount equal to expenditures made by the secretary as supplemental payments to SSP recipients less amounts payable by the federal government.

This bill would, upon the order of the Director of Finance, require the Director of Social Services to defer the above-described payments to the federal government in February 2010, and March 2010, and, instead, make payments for those months after April 20, 2010, but no later than May 31, 2010.

(5) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

~~(1) Existing law sets the fees at \$15 or \$20 for various court services, including, but not limited to, issuing a writ for the enforcement of an order or judgment, issuing an abstract of judgment, recording or registering any license or certificate, issuing an order of sale, and filing and entering an award under the Workers' Compensation Law.~~

~~This bill would increase those fees by \$10, and would provide that the \$10 fee increase shall be transmitted quarterly for deposit in the Trial Court Trust Fund and, commencing July 1, 2011, used by the Judicial Council for implementing and administering the civil representation pilot program described in (5) below.~~

~~(2) Under existing law, \$25 of each specified filing fee in connection with certain civil proceedings is required to be used for services of an official court reporter in civil proceedings.~~

~~This bill would increase the amount of those filing fees required to be used for services of an official court reporter in civil proceedings to \$30.~~

~~(3) Under existing law, to the extent that a memorandum of understanding for trial court employees designates certain days as unpaid furlough days for employees assigned to regular positions in the superior court, the court may not be in session on those days except as ordered by the presiding judge.~~

~~This bill, until July 1, 2010, would authorize the Judicial Council to provide that the courts be closed for the transaction of judicial business for one day per month, which would be treated as a judicial holiday, and to adopt court rules to implement these provisions, subject to specified conditions. The bill would authorize a judge or justice to sign a form, to be prepared by the Administrative Office of the Courts, stating that the judge or justice voluntarily agrees to irrevocably waive an amount equal to 4.62% of his or her monthly salary, as specified. The bill also would require a reduction in the amount of compensation due to the sheriff for court security services because of the closure of the courts under these provisions, and would, where a memorandum of understanding has been executed, require the court and the sheriff, county, or sheriff and county to negotiate that reduction and amend the memorandum of understanding accordingly. By imposing additional duties on county officials, the bill would create a state-mandated local program.~~

~~(4) Existing law requires the Judicial Council to provide an annual status report to the chairpersons of the budget committee in each house of the Legislature and the Joint Legislative Budget Committee regarding the California Case Management System and Court Accounting and Reporting System, as specified. Under existing law, the office of the State Chief Information Officer is responsible for the approval and oversight of information technology projects.~~

~~This bill would provide that the California Case Management System, and all other administrative and infrastructure information technology projects of the courts with total costs estimated at more than \$1,000,000, shall be subject to the review and recommendations of the office of the State Chief Information Officer. The bill would require the State Chief~~

~~Information Officer to submit a copy of those reviews and recommendations to the Joint Legislative Budget Committee.~~

~~(5) The State Bar Act provides for the licensure and regulation of attorneys by the State Bar of California, a public corporation. Existing law provides that it is the duty of an attorney to, among other things, never reject, for any consideration personal to himself or herself, the cause of the defenseless or oppressed. Existing law provides that a lawyer may fulfill his or her ethical commitment to provide pro bono services, in part, by providing financial support to organizations providing free legal services to persons of limited means.~~

~~This bill would, commencing July 1, 2011, and subject to funding specifically provided for this purpose, require the Judicial Council to develop one or more model pilot projects in selected courts for 3-year periods pursuant to a competitive grant process and a request for proposals. The bill would provide that legal counsel shall be appointed to represent low-income parties in civil matters involving critical issues affecting housing-related matters, domestic violence restraining orders, probate conservatorships, guardianships of the person, elder abuse, and the termination of a parent's legal custody of a child in those courts selected by the Judicial Council, as specified. The bill would provide that each pilot project shall be a partnership between the court, a qualified legal services project that shall serve as the lead agency for case assessment and direction, and other legal services providers in the community who are able to provide the services for the pilot project. The bill would require the lead legal services agency, to the extent practical, to identify and make use of pro bono services in order to maximize available services efficiently and economically. The bill would provide that the court partner is responsible for providing procedures, personnel, training, and case management and administration practices that reflect best practices, as specified. The bill would require a local advisory committee to be formed to facilitate the administration of the local project and to ensure that the project is fulfilling its objectives. The bill would require the Judicial Council to conduct a study to demonstrate the effectiveness and continued need for the pilot program, and to report its findings and recommendations to the Governor and the Legislature on or before March 1, 2015, and every 3 years thereafter.~~

~~(6) The Superior Court Law Enforcement Act of 2002 authorizes the presiding judge of each superior court to contract with a sheriff or marshal for the necessary level of law enforcement services in the courts.~~

Existing law requires the sheriff or marshal and presiding judge of any county to develop a court security plan to be utilized by the court, as specified, and requires the Judicial Council to establish a process for its review of court security plans in the California Rules of Court. Existing law requires the superior court and the sheriff or marshal to enter into a memorandum of understanding specifying the agreed upon level of court security services and their cost and terms of payment, and requires the sheriff or marshal to provide specified information to the courts by April 30 of each year, with actual court security allocations subject to the approval of the Judicial Council. Existing law requires the Administrative Office of the Courts to use the actual salary and benefits costs approved for court law enforcement personnel as of June 30 of each year in determining the annual funding request for the courts that will be presented to the Department of Finance.

This bill would provide that the cost of services specified in the memorandum of understanding shall be based on the estimated average cost of salary and benefits for equivalent personnel classifications in that county, not including overtime pay. In calculating the average cost of benefits, the bill would provide that only specified benefits may be included. The bill would require the Administrative Office of the Courts to use the average salary and benefits costs approved for court law enforcement personnel as of June 30 of each year in determining the annual funding request for the courts that will be presented to the Department of Finance.

(7) Existing law permits limited use of electronic recording devices in court proceedings under certain circumstances, but prohibits a court from expending funds for electronic recording technology or equipment to make an unofficial record of an action or proceeding or to use that technology or equipment to make the official record of an action or proceeding in any circumstance that is not authorized. Existing law also requires each superior court to report semiannually to the Judicial Council, and the Judicial Council to report semiannually to the Legislature, regarding all purchases and leases of electronic recording equipment that will be used to record superior court proceedings.

This bill would prohibit a court from expending funds for or using electronic recording technology or equipment to make an unofficial record of an action or proceeding, including for purposes of judicial notetaking, or to make the official record of an action or proceeding in any circumstance that is not authorized. The bill would authorize a court to use electronic recording equipment for the internal personnel purpose

~~of monitoring judicial officer performance, if notice is provided to litigants that the proceeding may be recorded for that purpose, as specified. The bill would require a court, prior to purchasing or leasing any electronic recording technology or equipment, to obtain advance approval from the Judicial Council.~~

~~(8) Existing law states the intent of the Legislature to establish a moratorium on increases in filing fees until January 1, 2012.~~

~~This bill would provide that, due to the economic crisis facing California in the 2009–10 fiscal year, a first paper filing fee increase is included in conjunction with the Budget Act of 2009.~~

~~(9) Existing law requires the Legislature to make an annual appropriation to the Judicial Council for the general operations of the trial courts based upon the request of the Judicial Council. Existing law requires the annual budget request to include, among other items, a cost-of-living and growth adjustment based on the year-to-year change in the state appropriations limit, and additional funding for the trial courts for costs resulting from the implementation of statutory changes that result in either an increased level of service or a new activity that directly affects the programmatic or operational needs of the courts.~~

~~This bill would require the Judicial Council to report all approved allocations and reimbursements to the trial courts in each fiscal year, including funding received through augmentations for costs resulting from the implementation of statutory changes, as described above, to the chairs of the Senate and Assembly Committees on Budget and the Judiciary on or before September 30 following the close of each fiscal year. The bill would specify the information to be included in the report, and would require the Administrative Office of the Courts to summarize that information by court and report it to the chairs of the Senate and Assembly Committees on Budget and the Judiciary on or before November 1, 2009, and each November 1 thereafter. The bill would require the trial courts to report to the Judicial Council on or before September 15 of each year all court revenues, expenditures, reserves, and fund balances from the prior fiscal year, as specified, and would require the Judicial Council to summarize and report that information to the chairs of those committees, and to post that information on a public Internet Web site, on or before December 31 of each year.~~

~~(10) Existing law imposes a fee of \$20 upon every conviction for a criminal offense, other than parking offenses, for funding of court security.~~

~~This bill would increase that court security fee to \$30 until July 1, 2011.~~

~~(11) Existing law authorizes the Department of Justice to charge a fee for any laboratory services it performs at the request of a local law enforcement agency, as specified.~~

~~This bill would require the Department of Justice to charge a fee for any laboratory services performed at the request of a local law enforcement agency. This bill would require the fee charged to be based on a sliding scale fee structure, based on an agency's ability to pay. This bill would also require the department to report to the Legislature on the implementation of the fee structure, as specified.~~

~~(12) Existing law establishes the Youthful Offender Block Grant Program to enhance the capacity of county departments to provide appropriate rehabilitative and supervision services to youthful offenders. Existing law requires the Director of Finance to determine for each fiscal year the total amount of the Youthful Offender Block Grant pursuant to a specified formula and the allocation for each county, and to report those findings to the Controller to make an annual allocation to each county from the Youthful Offender Block Grant Fund. Existing law requires each county, on or before January 1, 2008, to prepare and submit to the Corrections Standards Authority for approval a Juvenile Justice Development Plan for youthful offenders that includes a description of the programs, placements, services, or strategies to be funded by the block grant allocation.~~

~~This bill instead would require the allocation amount for each county from the Youthful Offender Block Grant Fund to be allocated in four equal installments, to be paid in September, December, March, and June, pursuant to the existing formula. The bill would require each county, on or before May 1 of each year, to prepare and submit to the Corrections Standards Authority for approval a Juvenile Justice Development Plan on its proposed expenditures for the next fiscal year of block grant funds that includes a description of the programs, placements, services, or strategies to be funded by the block grant allocation and other specified information. The bill would require each county receiving block grant funds, by October 1 of each year, to submit an annual report to the authority on its utilization of the block grant funds in the preceding fiscal year. By increasing the duties of local officials, the bill would impose a state-mandated local program.~~

~~This bill would require the Corrections Standards Authority to develop and provide a format for the Juvenile Justice Development Plan, and~~

would authorize the authority to develop and provide a dual format for counties for the submission together of that plan and the county multiagency juvenile justice plan, as specified. The bill would require the authority to prepare and make available to the public on its Internet Web site summaries of the annual county reports on the utilization of block grant funds, and would require the authority, by March 15th of each year, to prepare and submit to the Legislature a report summarizing county utilizations of block grant funds in the preceding fiscal year.

(13) This bill would provide that its provisions are severable.

(14) The California Constitution authorizes the Governor to declare a fiscal emergency and to call the Legislature into special session for that purpose. The Governor issued a proclamation declaring a fiscal emergency, and calling a special session for this purpose, on December 19, 2008.

This bill would state that it addresses the fiscal emergency declared by the Governor by proclamation issued on December 19, 2008, pursuant to the California Constitution.

(15) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes-no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 13311.1 of the Government Code is
2 amended to read:

3 13311.1. (a) Notwithstanding any other law, including, but
4 not limited to, Section 13311, in order to achieve effective
5 management of state cash resources, the Director of Finance, may
6 defer do both of the following:

7 (1) Deferpayments of General Fund moneys owed in July
8 through September of 2009, in an amount not to exceed seven
9 hundred fifty million dollars (\$750,000,000), appropriated to the
10 University of California in the 2009 Budget Act.

1 (2) *Defer payments of General Fund moneys owed in February*
2 *2010, in an amount not to exceed two hundred fifty million dollars*
3 *(\$250,000,000), appropriated to the University of California in*
4 *the 2009 Budget Act.*

5 (b) (1) Of the amount deferred pursuant to *paragraph (1) of*
6 subdivision (a), the payment of two hundred fifty million dollars
7 (\$250,000,000) shall be made in October 2009. The payment of
8 the remaining amount deferred pursuant to *paragraph (1) of*
9 subdivision (a) shall occur no earlier than April 2010 and at the
10 earlier of ~~(1)~~ (A) the day after all outstanding revenue anticipation
11 notes issued by the state in *the 2009–10 fiscal year* have been
12 repaid, as determined by the Director of Finance, or ~~(2)~~ (B) June
13 30, 2010.

14 (2) *The payment of the amount deferred pursuant to paragraph*
15 *(2) of subdivision (a) shall be made no earlier than April 20, 2010,*
16 *but no later than May 31, 2010.*

17 (c) Notwithstanding any other provision of law, in order to
18 achieve effective management of state cash resources, the Director
19 of Finance may ~~defer~~ *do all of the following:*

20 (1) *Defer payments of General Fund moneys owed in July 2009,*
21 *in an amount not to exceed two hundred ninety million dollars*
22 *(\$290,000,000) appropriated to the California State University in*
23 *the 2009 Budget Act.*

24 (2) *Defer payments of General Fund moneys owed in February*
25 *2010, in an amount not to exceed two hundred fifty million dollars*
26 *(\$250,000,000), appropriated to the California State University*
27 *in the 2009 Budget Act.*

28 (3) *Defer payments of General Fund moneys owed in March*
29 *2010, in an amount not to exceed one hundred fifty million dollars*
30 *(\$150,000,000), appropriated to the California State University*
31 *in the 2009 Budget Act.*

32 (d) (1) The payment of the amount deferred pursuant to
33 *paragraph (1) of subdivision (c)* shall be made in October 2009.

34 (2) *The payment of the amount deferred pursuant to paragraph*
35 *(2) of subdivision (c) shall be made no earlier than April 20, 2010,*
36 *but no later than May 31, 2010.*

37 (3) *The payment of the amount deferred pursuant to paragraph*
38 *(3) of subdivision (c) shall be made no earlier than May 1, 2010,*
39 *but no later than May 31, 2010.*

SEC. 2. *Section 2103.1 of the Streets and Highways Code is amended to read:*

2103.1. (a) Notwithstanding any other law, the apportionment of revenues deposited to the credit of the Highway Users Tax Account in the Transportation Tax Fund that are otherwise required to be made, pursuant to this chapter, to cities, counties, and cities and counties for the ~~following months of July, August, September, October, November, and December of 2009~~ shall be deferred and shall be made ~~after January 1, 2010~~ as follows:

(1) *For the months of July and August of 2009, the apportionments shall be paid with the payment of August revenues in September 2009. This deferral shall not apply to a county with a population of less than 40,000.*

(2) *For the months of November and December of 2009, and January, February, and March of 2010, the apportionments shall be paid on or within two business days of April 28, 2010. This deferral shall not apply to a county with a population of less than 40,000.*

(b) *For the purpose of meeting the cash obligations associated with ongoing budgeted costs, a city, county, or city and county may make use of any cash balance in its account that is designated for the receipt of state funds allocated for local streets and roads or the county road fund, including that resulting from the receipt of funds pursuant to the Highway Safety, Traffic Reduction, Air Quality, and Port Security Bond Act of 2006 (Chapter 12.49 (commencing with Section 8879.20) of Division 1 of Title 2 of the Government Code) for local street and road maintenance and operations, during the period of the deferrals of apportionment payments pursuant to subdivision (a). The use of this cash shall not be considered as an expenditure of bond act funds if the cash is replaced when the payments in subdivision (a) are made.*

(c) *Notwithstanding any other provision of law, for the purpose of meeting the cash obligations associated with ongoing street and road costs, a city, county, or city and county may make use of any cash balance available to a special fund of the city, county, or city and county during the period of deferral of apportionment payments pursuant to subdivision (a).*

(d) *This section shall not affect any requirement that an expenditure is required to be accrued and reflected from the appropriate funding source for which the money was received and*

1 *that an expenditure is required to meet all the requirements of its*
2 *funding source.*

3 *SEC. 3. Section 12104 is added to the Welfare and Institutions*
4 *Code, to read:*

5 *12104. Notwithstanding any other provision of law, upon the*
6 *order of the Director of Finance, the Director of Social Services*
7 *shall defer all supplemental payments to the federal government*
8 *required pursuant to subdivision (b) of Section 12100 in February*
9 *2010 and March 2010 and, instead, make payments for those*
10 *months after April 20, 2010, but no later than May 31, 2010.*

11 *SEC. 4. Section 39 of Chapter 12 of the Third Extraordinary*
12 *Session of the Statutes of 2009, as amended by Section 17 of*
13 *Chapter 23 of the Fourth Extraordinary Session of the Statutes of*
14 *2009, is amended to read:*

15 *Sec. 39. (a) Notwithstanding Sections 84320, 84321, and*
16 *84321.5 of the Education Code and any other law that covers*
17 *governs the regulations adopted by the Chancellor of the California*
18 *Community Colleges to disburse funds, two hundred million dollars*
19 *(\$200,000,000) from the payment of apportionments to districts*
20 *pursuant to Sections 84320, 84321, and 84321.5 of the Education*
21 *Code for July 2009; shall be deferred to October 2009.*

22 *(b) Notwithstanding Sections 84320, 84321, and 84321.5 of the*
23 *Education Code and any other law that governs the regulations*
24 *adopted by the Chancellor of the California Community Colleges*
25 *to disburse funds, one hundred million dollars (\$100,000,000)*
26 *from the payment of apportionments to districts pursuant to*
27 *Sections 84320, 84321, and 84321.5 of the Education Code for*
28 *March 2010, shall be deferred to May 2010.*

29 ~~(b)~~

30 *(c) Notwithstanding any other law, one billion dollars*
31 *(\$1,000,000,000) from the payment of apportionments pursuant*
32 *to Section 14041 of the Education Code for July 2009, to local*
33 *educational agencies that maintain kindergarten and any of grades*
34 *1 to 12, inclusive, shall be deferred to December 2009.*

35 ~~(e)~~

36 *(d) Notwithstanding any other law, one billion five hundred*
37 *million dollars (\$1,500,000,000) from the payment of*
38 *apportionments pursuant to Section 14041 of the Education Code*
39 *for August 2009, to local educational agencies that maintain*

1 kindergarten or any of grades 1 to 12, inclusive, shall be deferred
2 to October 2009.

3 ~~(d)~~

4 (e) Notwithstanding any other law, one billion dollars
5 (\$1,000,000,000) from the payment of apportionments pursuant
6 to Section 14041 of the Education Code for November 2009, to
7 local educational agencies that maintain kindergarten and any of
8 grades 1 to 12, inclusive, shall be deferred to January 2010.

9 ~~(e)~~

10 (f) (1) Notwithstanding subdivisions ~~(b)~~, ~~(e)~~, and ~~(d)~~ (c), (d),
11 and (e), and subject to the approval of the Director of Finance, the
12 Controller shall issue warrants pursuant to Section 14041 of the
13 Education Code that include the full amount of the apportionment
14 payments for the months of July, August, and November for a
15 local educational agency for which the county superintendent of
16 schools certifies to the Superintendent of Public Instruction and
17 to the Director of Finance on or before August 10, 2009, that the
18 deferral of warrants pursuant to subdivisions ~~(b)~~ and ~~(e)~~ (c) and
19 (d) will result in qualifying the local educational agency for an
20 emergency apportionment pursuant to Article 2 (commencing with
21 Section 41320) of Chapter 3 of Part 24 of Division 3 of Title 2 of
22 the Education Code.

23 (2) In order for a county office of education to receive payments
24 pursuant to paragraph (1), the Superintendent of Public Instruction
25 shall determine, and notify the Director of Finance on or before
26 August 10, 2009, that the deferral of warrants pursuant to
27 subdivisions ~~(b)~~ and ~~(e)~~ (c) and (d) will result in the county office
28 of education being unable to meet its expenditure obligations for
29 the time period during which warrants are deferred. The criteria,
30 as applicable, set forth in statute and regulations to qualify a school
31 district for an emergency apportionment shall be used to make the
32 determination specified in this section.

33 (3) In order for a charter school to receive payments pursuant
34 to paragraph (1), the chartering authority shall determine, in
35 consultation with the county superintendent of schools, and notify
36 the Superintendent of Public Instruction and the Director of Finance
37 on or before August 10, 2009, that the deferral of warrants pursuant
38 to subdivisions ~~(b)~~ and ~~(e)~~ (c) and (d) will result in the charter
39 school being unable to meet its expenditure obligations for the
40 time period during which warrants are deferred. The criteria, as

1 applicable, set forth in statute and regulations to qualify a school
2 district for an emergency apportionment shall be used to make the
3 determination specified in this section.

4 ~~(f)~~

5 (g) Notwithstanding subdivision (a) and subject to the approval
6 of the Director of Finance, the Controller shall issue warrants
7 pursuant to Sections 84320, 84321, and 84321.5 of the Education
8 Code that include the full amount of the apportionment payments
9 for the month of July for a community college for which the
10 Chancellor of the California Community Colleges determines, in
11 consultation with the Director of Finance, on or before August 10,
12 2009, that the deferral of warrants pursuant to subdivision (a) will
13 present an imminent threat to the fiscal integrity and security of
14 the community college.

15 ~~(g)~~

16 (h) This section shall apply to payments in the 2009–10 fiscal
17 year only.

18 *SEC. 5. This act addresses the fiscal emergency declared by*
19 *the Governor by proclamation on December 19, 2008, pursuant to*
20 *subdivision (f) of Section 10 of Article IV of the California*
21 *Constitution.*

22
23
24 **All matter omitted in this version of the bill**
25 **appears in the bill as amended in Assembly,**
26 **June 28, 2009. (JR11)**
27

O